

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

7 MAURICE JILES,  
8 Plaintiff,  
9 v.  
10 WARDEN WILLIAMS et al.,  
11 Defendants.  
12

2:16-cv-01118-JCM-NJK

## ORDER

## I. DISCUSSION

14 On December 27, 2016, the Court entered a screening order permitting the due process  
15 and state law claims to proceed against Defendant Nunez. (ECF No. 2 at 4-5). The Court  
16 stayed the case for ninety (90) days to give the parties an opportunity to settle their dispute.  
17 (*Id.* at 5). The Court directed the Attorney General's Office to advise the Court whether it  
18 would enter a limited notice of appearance on behalf of the defendant for the purpose of  
19 settlement. (*Id.* at 6).

20 On January 18, 2017, the Attorney General's Office stated that it was unable to enter  
21 a limited notice of appearance at this time. (ECF No. 5 at 1). The Attorney General's Office  
22 stated that the only remaining defendant in this case was a correctional officer named  
23 "Nunez." (*Id.*) According to the Attorney General's Office, there were no current employees  
24 named Nunez at the Nevada Department of Corrections ("NDOC"). (*Id.*) Additionally, the  
25 Attorney General's Office stated that there were former officers named Nunez but that it could  
26 not determine which Nunez Plaintiff was referencing in his complaint. (*Id.*) The Attorney  
27 General's Office suggested that the Court grant Plaintiff the ability to conduct limited discovery  
28 to ascertain the identity of "Nunez." (*Id.* at 2).

1 Plaintiff shall be allowed to conduct limited pre-service discovery in an effort to ascertain  
2 the true identity of Defendant Nunez. The Attorney General's Office is directed to enter a  
3 limited appearance in this action for the purpose of responding to the discovery discussed  
4 herein. Plaintiff will be permitted to serve three (3) interrogatories on the Attorney General's  
5 Office in order to discover the identity of the Nunez described in Plaintiff's complaint. If  
6 Plaintiff and the Attorney General's Office learn the identity the Nunez who allegedly violated  
7 Plaintiff's rights, the Attorney General's Office shall enter a limited notice of appearance on  
8 behalf of Defendant Nunez for the purpose of settlement in compliance with this Court's  
9 screening order (ECF No. 2).

10 **II. CONCLUSION**

11 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court shall  
12 electronically **SERVE** a copy of this order on the Office of the Attorney General of the State  
13 of Nevada, attention Kat Howe.

14 IT IS FURTHER ORDERED that the Attorney General's Office shall enter a limited  
15 notice of appearance within seven (7) days on behalf of defendant for the limited purpose of  
16 conducting limited pre-service discovery in an effort to ascertain the true identity of Defendant  
17 Nunez.

18 IT IS FURTHER ORDERED that Plaintiff will be permitted to serve three (3)  
19 interrogatories on the Attorney General's Office in order to discover the true identity of the  
20 Nunez identified in Plaintiff's complaint. Plaintiff shall serve his three (3) interrogatories on the  
21 Attorney General's Office within thirty (30) days from the date of this order.<sup>1</sup>

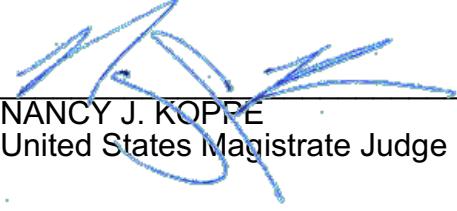
22 IT IS FURTHER ORDERED that, if Plaintiff and the Attorney General are able to  
23 discover the true identity of the Nunez identified in Plaintiff's complaint, the Attorney General's  
24 Office shall enter a limited notice of appearance on behalf of Defendant Nunez for the purpose  
25 of settlement in compliance with this Court's screening order (ECF No. 2).

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28 <sup>1</sup> Plaintiff should serve his interrogatories to Frank A. Toddre, II, Nevada Attorney  
General, Bureau of Litigation, Public Safety Division, 555 E. Washington Ave., Ste. 3900, Las  
Vegas, Nevada 89101.

1 IT IS FURTHER ORDERED that, within forty-five (45) days from the date of this order,  
2 the Attorney General's Office shall either file a limited notice of appearance on behalf of  
3 Defendant Nunez for the purpose of settlement or file a notice informing the Court about the  
4 status of Defendant Nunez's identity.

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6 DATED: This 20th day of January, 2017.

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9 NANCY J. KOPPE  
United States Magistrate Judge

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